



# PUBLIC NOTICE

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## INITIATION PLANS AND POST-TRANSITION NOTIFICATIONS FILED IN WT DOCKET NO. 06-136

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces the filing of Initiation Plans and Post-transition Notifications by Nextel Spectrum Acquisition Corp., a wholly owned subsidiary of Sprint Nextel Corporation (Sprint Nextel), Clearwire Spectrum Holdings, LLC (Clearwire Spectrum), and Fixed Wireless Holdings, LLC (Clearwire) regarding the transition of the 2500-2690 MHz band.

On July 29, 2004, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking (BRS/EBS R&O and FNPRM)* that revamped the rules and policies governing the licensing of services in the 2500-2690 MHz MDS/ITFS band.<sup>1</sup> In particular, the Commission adopted a new band plan that restructures the 2500-2690 MHz band into upper and lower-band segments for low-power operations (UBS and LBS, respectively), and a mid-band segment (MBS) for high-power operations. The Commission also adopted a transition plan for relocating Educational Broadband Service (EBS) licensees and Broadband Radio Service (BRS) licensees from their current channel locations to their new spectrum blocks in the LBS, MBS, or UBS. Specifically, the transition occurs in the following five phases: (1) initiating the transition process by filing an Initiation Plan with the Commission; (2) planning the transition; (3) reimbursing the costs of the transition; (4) terminating existing operations in transitioned markets; and (5) completing the transition by filing the Post-transition Notification with the Commission and sending a copy to all affected BRS and EBS licensees.<sup>2</sup>

On April 27, 2006, the Commission released a *Third Memorandum Opinion and Order and Second Report and Order (BRS/EBS 3<sup>rd</sup> MO&O)* that, among other things, revised the transition area size from Major Economic Areas (MEAs) to Basic Trading Areas (BTAs).<sup>3</sup> The Commission also determined that the transition can be undertaken by multiple proponents, and that the first entity to file an

<sup>1</sup> See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 03-66, 19 FCC Rcd 14165 (2004) (*BRS/EBS R&O and FNPRM* as appropriate).

<sup>2</sup> *Id.* at 14198 ¶ 74.

<sup>3</sup> Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Third Memorandum Opinion and Order and Second Report and Order*, WT Docket No. 03-66, 21 FCC Rcd 5606, 5642 ¶ 65 (2006) (*BRS/EBS 3<sup>rd</sup> MO&O*).

Initiation Plan with the Commission is the proponent for a given BTA.<sup>4</sup> Therefore, the first entity to file an Initiation Plan with the Commission shall automatically be designated as the proponent for a given BTA at the time it files, without any action required by the Commission or the Bureau, and the 90-day Transition Planning Period for that BTA shall begin on the day after the proponent files the Initiation Plan.<sup>5</sup> In order to facilitate the availability of information for BRS and EBS licensees and lessees, however, the Commission directed the Bureau to release a Public Notice indicating when Initiation Plans have been filed with the Commission.<sup>6</sup> Entities that wish to file Initiation Plans under the rules set forth in the *BRS/EBS 3rd MO&O* must file on or after July 19, 2006, the date these rules became effective, and before January 19, 2009.<sup>7</sup>

The Initiation Plans listed in the Appendix to this Public Notice were filed as described in the Appendix. Our records indicate that Sprint Nextel, Clearwire Spectrum, and Clearwire are the proponents for these BTAs, as of the dates the Initiation Plans were filed.

Copies of the Initiation Plans listed above, as well as other documents filed in WT Docket No. 06-136, may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com). These documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The documents are also available electronically through the Commission's ECFS, under WT Docket No. 06-136, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

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<sup>4</sup> *Id.* 21 FCC Rcd at 5652 ¶¶ 91-92; 47 C.F.R. §§ 27.1231(c), 27.1231(f).

<sup>5</sup> *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5652-5653, 5659 ¶¶ 93, 107. *See also* 47 C.F.R. § 27.1232.

<sup>6</sup> *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5653 ¶ 93.

<sup>7</sup> *See* 71 Fed. Reg. 35178 (June 19, 2006); *BRS/EBS 3rd MO&O*, 21 FCC Rcd at 5658 ¶ 106; 47 C.F.R. §§ 27.1231(f).

## APPENDIX – INITIATION PLANS FILED

BTA Number	BTA Name	Proponent	Date Filed
BTA004	Ada, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006
BTA031	Bartlesville, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006
BTA107	Daytona Beach, Florida	Fixed Wireless Holdings, LLC	12/11/2006
BTA130	Enid, Oklahoma	Nextel Spectrum Acquisition Corp.	12/14/2006
BTA159	Gainesville, Florida	Fixed Wireless Holdings, LLC	12/11/2006
BTA212	Jacksonville, Florida	Fixed Wireless Holdings, LLC	12/11/2006
BTA248	Lawson-Duncan, Oklahoma	Nextel Spectrum Acquisition Corp.	12/14/2006
BTA267	McAlester, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006
BTA311	Muskogee, Oklahoma	Nextel Spectrum Acquisition Corp.	12/14/2006
BTA354	Ponca City, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006
BTA379	Rochester, New York	Clearwire Spectrum Holdings, LLC	12/7/2006
BTA401	San Antonio, Texas	Fixed Wireless Holdings, LLC	12/8/2006
BTA424	South Bend-Mishawaka, Indiana	Nextel Spectrum Acquisition Corp.	12/14/2006
BTA433	Stillwater, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006
BTA448	Tulsa, Oklahoma	Nextel Spectrum Acquisition Corp.	12/7/2006